

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 24-CR-347-LTS

ANGEL ARROYO,

Defendant.

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ORDER

Sentencing is scheduled to take place in this case on February 11, 2025, at 3:00 PM.

Defense counsel has requested a Fatico hearing to determine whether there is sufficient evidence to support an inference that Mr. Arroyo, in committing the shooting in this case, acted with an intent to kill, such that this Court should apply the sentencing guideline concerning attempted murder, U.S.S.G. § 2A2.1, pursuant to U.S.S.G. §§ 2K2.1(c)(1)(A) and 2X1.1, in calculating Mr. Arroyo's offense level. (See docket entry no. 22 at 3.)

The parties are directed to meet and confer, and to file a joint report by **3:00 PM on February 10, 2025**, as to whether a Fatico hearing is required and, if so, whether and what type of an evidentiary presentation is anticipated, and the anticipated amount of time needed to conduct the hearing.

SO ORDERED.

Dated: New York, New York
February 9, 2025

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge